

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

GAIA ETHNOBOTANICAL, LLC,  
 Plaintiff(s),  
 v.  
 T1 PAYMENTS LLC, et al.,  
 Defendant(s).

Case No. 2:22-cv-01046-CDS-NJK

**Order**

[Docket No. 45]

In the quest to appropriately seek a stay of discovery in this case, the Sisyphean boulder rolls down the hill once again.

The Court has already identified in this case the means and standards for seeking a stay of discovery. Docket No. 43 at 1 (citing *Kor Media Grp., LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013) as providing the standards for seeking a stay of discovery pending resolution of Rule 12(b)(6) motion to dismiss and citing *Hologram USA, Inc. v. Pulse Evolution Corp.*, 2015 WL 1600768, at \*1 (D. Nev. Apr. 8, 2015) as providing the standards for seeking a stay of discovery pending resolution of Rule 12(b)(2) motion to dismiss). And, yet, the parties filed a joint motion to stay discovery addressing a different analysis. *See* Docket No. 45.<sup>1</sup>

Because that joint motion does not address the governing standards established in this District, it is **DENIED** without prejudice. Any renewed request must be filed by October 14, 2022,

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<sup>1</sup> The joint motion purports to address the “U.S. District Court of Nevada’s seven-prong test.” Docket No. 45 at 6. Nowhere in the joint motion do the parties cite cases from this District applying this “seven-prong test.” Indeed, this “seven-prong test” has been identified and rejected by judges in this District. *See, e.g., Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 602-03 (D. Nev. 2011) (Leen, J.) (identifying the seven-prong test, but then proceeding to reject it because “[t]his court is persuaded that the standard enunciated by Judges Reed and Hunt in *Twin City* and *Turner* should apply in evaluating whether a stay of discovery is appropriate while a dispositive motion is pending”); *Ministerio Roca Solida v. U.S. Dept. of Fish & Wildlife*, 288 F.R.D. 500, 504 (D. Nev. 2013) (Ferenbach, J.) (same).

1 and must address the governing standards. Particularly given the guidance provided, the Court  
2 will not consider these requests *ad infinitum*. This will be the final opportunity to seek a stay of  
3 discovery pending the dispositive motions.

4 The Court again cautions counsel that they must promptly familiarize themselves with the  
5 practices of this District. *See also* Docket No. 43 at 2 n.3.

6 IT IS SO ORDERED.

7 Dated: October 11, 2022

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Nancy J. Koppe  
United States Magistrate Judge